IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3684 OF 2004

IN

SUIT NO.136 OF 2003

...

Brindco Sale Ltd. ...Plaintiff

v/s.

Lalit Bar and Restaurant ...Defendant

...

Ms.Amrita Shetty for the Plaintiff.

Mr.Bhandary i/b Bhandary & Bhandary for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 23RD DECEMBER,2005

P.C.:

1. It appears that due to mistake of the lawyer appearing for the Plaintiff, the summons for judgment came to be dismissed for default. There are pointed allegations against what transpired in the court on 15-9-2004. Those allegations are not denied by the Defendant.

2. After having gone through the record I find that it is possible that a wrong order might have been transcribed.

3. In this view of the matter, therefore, in my opinion, it would be in the interest of justice to grant the Plaintiff an opportunity of pressing his summons for judgment on merits. Notice of Motion is, therefore, granted in terms of prayer clause (a). Motion disposed of.

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